

#### Members

Sen. Beverly Gard, Chairperson  
Sen. Frank Mrvan  
Sen. Edward Charbonneau  
Sen. Karen Tallian  
Rep. Ryan Dvorak  
Rep. David Wolkins  
Rep. Matt Pierce  
Rep. Timothy Neese  
Doug Meyer  
Stephen L. Murray  
Dave Wyeth  
Dwayne Burke  
John Hardwick  
Art Umble  
Calvin Davidson  
Jon H. Moll  
Thomas Easterly  
Heather Hill



# ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: IC 13-13-7

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 20, 2009  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington St., Senate Chamber  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 4

**Members Present:** Sen. Beverly Gard, Chairperson; Sen. Frank Mrvan; Sen. Edward Charbonneau; Sen. Karen Tallian; Rep. Ryan Dvorak; Rep. Matt Pierce; Rep. Timothy Neese; Doug Meyer; Dwayne Burke; John Hardwick; Art Umble; Calvin Davidson; Thomas Easterly.

**Members Absent:** Rep. David Wolkins; Stephen L. Murray; Dave Wyeth; Jon H. Moll; Heather Hill.

1. Call to Order: Sen. Gard called the meeting to order at 10:05 A.M.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be obtained electronically by requesting copies at [licrequests@iga.in.gov](mailto:licrequests@iga.in.gov). Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

## 2. Presentations on Petroleum and Underground Storage Tank (UST) Issues

Bruce Palin, Assistant Commissioner, Office of Land Quality, Indiana Department of Environmental Management (IDEM), made a presentation entitled "EQSC Presentation on Petroleum Program" (Exhibit #1). In response to questions from Council members, Mr. Palin:

- Described the process for approval of claims made on the Excess Liability Trust Fund (ELTF)
- Addressed the treatment of UST owners' claims that exceed the \$3,000,000 annual cap
- Described the source of revenue to the Petroleum Trust Fund
- Indicated that IDEM does not have a list of contractors approved for outside petroleum remediation work
- Described the costs of the ELTF claim review and approval process that IDEM does not believe are subject to cost recovery

Thomas Easterly, IDEM Commissioner, described the independent processes of IDEM contractor review of ELTF claims and IDEM technical review of the claims.

Christopher Braun, Plews Shadley Racher & Braun, made a presentation entitled "Presentation of the Indiana Petroleum Marketers and Convenience Store Association ("IPCA")" (Exhibit #2), which is supported by additional tables (Exhibit #3). In response to questions from Council members, Mr. Braun:

- Addressed the treatment by the Auditor of State of encumbered funds in the ELTF
- Agreed to provide to the Council the comments submitted by the IPCA to IDEM concerning the proposed ELTF rules currently under consideration by the Underground Storage Tank Financial Assurance Board (Exhibit #4)

Commissioner Easterly and Mr. Palin addressed questions from the Council members concerning the process for adoption of the proposed ELTF rules, the interested parties involved in the process, the authority for adoption of the rules, and the extent to which UST owners are penalized for failure to pay tank registration fees.

Angela Dorrell, Plews Shadley Racher & Braun, made a presentation stating the views of the Indiana State Bar Association's Environmental Section Legislative Committee concerning ELTF issues (Exhibit #5). She expressed concerns about the solvency of the ELTF and the possible negative effects of IDEM proposals for changes to the ELTF program.

## 3. Next Meeting

Sen. Gard outlined the agenda for the Council meeting at 10:00 A.M. on October 26, 2009, in the Senate Chamber, and asked Council members to forward comments for the final report.

## 4. Adjournment Sen. Gard adjourned the meeting at 11:30 A.M.